vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.951 OF 1998

The Secretary
Savitri Phule Education Society & Anr. ... Petitioners

V/s.

Ms.Surekha Bhasker Patil & Ors. ... Respondents

Ms.Kumud A. Bhatia for Petitioners
Mr.R.S. Apte for Respondent No.1
Mr.S.K. Chinchalikar, AGP, for Respondent Nos.3 to 5

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **SEPTEMBER 6, 2007**

ORAL JUDGMENT:

. The order of the School Tribunal dated 2.2.1996 has been challenged in this petition by way of interim relief. This Court while admitting the petition had stayed the order regarding backwages. However, the petitioners reinstated the Respondent No.1 on 27.8.1996. Therefore, the only issue that arises today is what is the amount payable to Respondent No.1 in view of the directions of the Tribunal to pay backwages from the date of the order of termination till reinstatement.

2. Admittedly, Respondent No.1's services were terminated on 30.3.1992 and she has been reinstated on 27.3.1996. The respondent at the time of admission had filed an affidavit indicating the amount that was earned

for various periods while working in C.B. Mahatre school, Dombivali after her services were terminated and till she was reinstated. This affidavit of Respondent No.1 indicates that she was being paid Rs.500/- by that school per month and that she had earned about Rs.15,000/- during her period of unemployment with the petitioner.

3. In an affidavit filed by the Education Officer dated 1.8.2007, he has averred that Respondent No.1 earned Rs.500/- per month from 18.6.1993 to 3.4.1994 in the C.B. Mahatre School. The affidavit then discloses that from September 1994 to August 1996, Respondent No.1 was paid a monthly salary in accordance with Government's payscale. An affidavit has also been filed by Respondent No.1 on 17.8.2007 indicating that although she does not admit that this amount has been paid to her, she wishes to put an end to the dispute and, therefore, gives up her claim for backwages from September 1994 to August 1996. She has reiterated in this affidavit that she was being paid Rs.500/- per month from 18.6.1993 to 3.4.1994. Thus the Respondent No.1 must be paid the backwages by the petitioners from 18.6.1993 to 3.4.1994, after deducting Rs.500/- per month.

4. Ms.Bhatia, learned advocate appearing on behalf

of the petitioners states, on instructions from the Secretary of the Petitioners institute who is present in Court, that the amount shall be paid to Respondent No.1 within eight weeks from today.

5. Petition is disposed of accordingly. Since Respondent No.1 has given up her claim, it obviously means that she is in continuous service for all other purposes except for payment of backwages.